

Status & Remarks

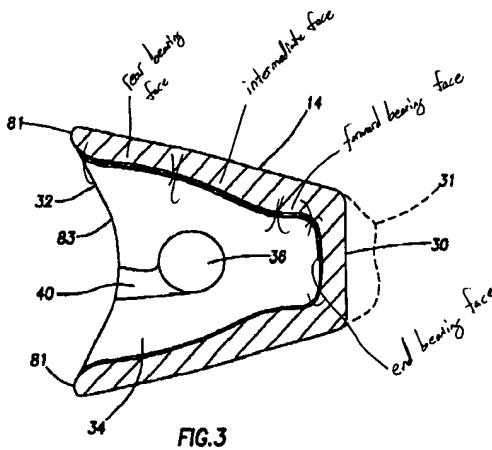
The applicant's attorney thanks the examiner for his numerous helpful suggestions which will assist in the negotiation of the claimed coverage requested in this pending application which presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
1	2-19
20	21-26
27	28

No claims are amended while claims 20-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35 USC §102

The examiner has rejected claims 1-7 and 11-12 under this section, subparagraph (e) as being anticipated by U.S. Patent No. 6,708,431, to Robinson et al. ('431). The examiner has thoughtfully provided Fig. 3 of Robinson to aid in illustrating the logic behind this position.



With due respect to the initial observation of the examiner, it is submitted that the examiner may have come to an incorrect or unsupportable conclusion by stating that "the forward and rear bearing faces are

parallel to the longitudinal axis of the wear member." The attached drawing reproduced above shows that the forward bearing faces are parallel to the central longitudinal axis, but also shows the rear bearing face clearly inclined to a longitudinal axis at an angle of at least about 15 degrees. To one of ordinary skill in this art, a 15 degree angle is not "substantially" parallel.

Claim #1 as present written, requires the feature wherein "said front and rear bearing faces being substantially parallel to a longitudinal axis of said wear member." By definition, this means that the front bearing faces are not only parallel to each other, but also parallel to the rear bearing faces as well as the longitudinal axis.

The examiner's attention is directed to paragraph 5 of the published application US 2004/0107608 which is reproduced below. This identifies a prior art problem with adapters being rotated off an adapter nose under the influence of large vertical moment forces.

"[0005] The greatest loads experienced by excavator teeth are vertical loads which tend to generate large moment forces capable of rotating a tooth off the front of an adaptor and/or rotating the adaptor off the adaptor nose."

Paragraphs 7 through 19 describe prior art systems for mounting digging point adapters on adapter noses, whereas paragraphs 20-22 describe locking pins to releasably secure an adapter to an adapter nose. The shortcomings of the prior art are summarized in paragraph 23 which states as follows.

"[0023] While generally satisfactory for their intended purpose, the abovementioned prior art adaptor/nose combinations all suffer from one or more shortcomings or disadvantages in terms of inadequate resistance to rotation of an adaptor off a nose under the influence of vertical loads applying a rotational moment to the adaptor, a predisposition to premature wear, difficulties in retention of the adaptors on noses, inadequate locking systems and unduly complicated configurations giving rise to increased fabrication costs."

The examiner's attention is also drawn to paragraph 46, which, in referring to Fig. 1, states "rear bearing faces 7 are parallel to each other as are forward bearing faces 8. Each of rear and forward bearing faces 7,8 are also parallel to a longitudinal axis X of the mounting nose 1." While this may not be readily apparent from a cursory inspection of Fig. 1, it is clearly apparent from the cross-sectional view shown in Fig. 3.

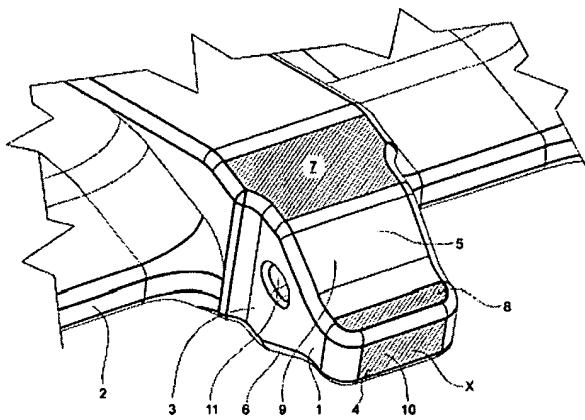


Fig. 1

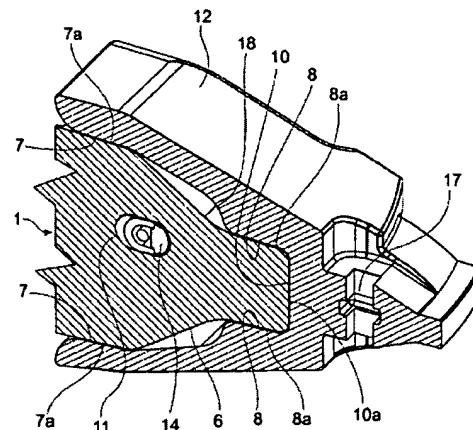


Fig. 3

The examiner's attention is drawn particularly to paragraphs 48-51 which describe the mechanism by which adapters are rotated off a conventional tapered wedge-shaped adapter nose and, in paragraph 50, contrasts the mechanism by which the invention as present claimed, both structurally and functionally differs from the prior art as typified by the reference cited by the examiner in the present claim.

"[0050] In the present invention, the key bearing faces are configured to be generally parallel to the longitudinal axis of a wear member such as an adaptor. The wear member is thus, cantilevered on the nose whereby the rotational moment is resisted by the high load forces applied to the upper forward bearing face and the lower rear bearing face. Generally speaking the higher those load forces, the higher the friction available to hold the adaptor or wear member onto the nose. Because the bearing faces are substantially parallel, an adaptor cannot rotate off its nose."

Claim 1, as present written, clearly distinguishes from the cited reference, and the features by which it distinguishes, namely the parallel relationship of the opposed front and rear bearing faces with each other and also with a longitudinal axis are clearly described in the text and illustrated in the drawings.

35 USC §103

The examiner has also rejected claims 8-10 and 13-19 under this section, subparagraph 9a) as being unpatentable over U.S. Patent No. 6,708,431 to Robinson, et al., and discussed above. In light of the previous discussion, it is respectfully submitted that the claims as presently written, distinguish over Robinson et al., in an nonobvious manner.

Request for Reconsideration

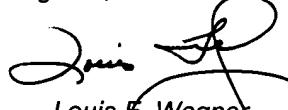
Applicant believes that all independent claims clearly define over the *Prior Art of Robinson et al.*, and that the distinctions between the present invention and the *Prior Art* would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the *Prior Art* by virtue of their dependency from independent claims which distinguish over the *Prior Art* of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

Buckingham, Doolittle & Burroughs, LLP
50 S. Main St.
P.O. Box 1500
Akron, Ohio 44309-1500
(330) 258-6453 (telephone)
(330) 252-5452 (fax)
Attorney Docket #: 51373-0009

Respectfully Submitted,
Buckingham, Doolittle & Burroughs, LLP



Louis F. Wagner
LWagner@bdblaw.com
Registration No.: 35,730

«AK3:795857_v1»